

Decision **ALTERNATE PROPOSED DECISION OF COMMISSIONER
 FLORIO** (Mailed 3/22/2016)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company
 (U338E) for Approval of its 2012-2014 California
 Alternate Rates for Energy (CARE) and Energy
 Savings Assistance Programs and Budgets.

Application 11-05-017
 (Filed May 16, 2011)

And Related Matters.

Application 11-05-018
 Application 11-05-019
 Application 11-05-020

**DECISION AWARDING INTERVENOR COMPENSATION TO CENTER FOR
 ACCESSIBLE TECHNOLOGY FOR SUBSTANTIAL CONTRIBUTION TO
 DECISIONS 12-12-011 AND 14-08-030**

Intervenor: Center for Accessible Technology (CforAT)	For contribution to Decisions(D.) 14-08-030 and D.12-12-011
Claimed \$73,122.92	Awarded: \$67,340.82 (~7.91% reduction)
Assigned Commissioner: Catherine J.K. Sandoval	Assigned ALJ: Kimberly H. Kim

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	<p>D.14-08-030 (the Phase 2 Decision) resolves and/or continues the review of several pending Phase II issues, resolves several pending petitions for modification of D.12-08-044, authorizes bridge funding for the IOUs¹, ESA² and CARE³ Programs, authorizes continued funding for the CHANGES⁴ pilot program, provides guidance to the IOUs in preparation of their 2015-2017 CARE and ESA Programs and Budget Applications, directs the IOUs to file their 2015-2017 applications within 90 days of issuance of this decision, and makes minor corrections and clarifications to D.12-08-044.</p> <p>D.12-12-011 (the CHANGES decision) continued funding for the CHANGES program.</p>
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Intervenor	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference (PHC):	August 8, 2011	Verified.
2. Other specified date for NOI:	N/A	
3. Date NOI filed:	September 7, 2011	Verified.
4. Was the NOI timely filed?		Yes, CforAT timely filed the notice of intent to claim intervenor compensation.
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	A.11-05-017 et al..	Verified.
6. Date of ALJ ruling:	October 20, 2011	Verified.
7. Based on another CPUC determination (specify):	N/A	

¹ Investor Owned Utilities’.

² Energy Savings Assistance.

³ California Alternate Rates for Energy.

⁴ Community Help and Awareness with Natural Gas and Electricity Services.

8. Has the Intervenor demonstrated customer or customer-related status?		Yes, CforAT demonstrated status as a Category 3 customer.
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	A.11-05-017	Verified.
10. Date of ALJ ruling:	October 20, 2011	Verified.
11. Based on another CPUC determination (specify):	N/A	
12. Has the Intervenor demonstrated significant financial hardship?		Yes, CforAT demonstrated significant financial hardship.
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.14-08-030	Verified.
14. Date of issuance of Final Order or Decision:	August 20, 2014	Verified.
15. File date of compensation request:	10/20/14	See below.
16. Was the request for compensation timely?	<p>Pursuant to Pub. Util. Code § 1804(c), intervenors must file and serve requests for compensation within 60 days after the issuance of a final decision. The 60th day following the issuance of D.14-08-030 was October 19, 2014, a Sunday. However, Rule 1.15 of the Commission’s Rules of Practice and Procedure (Rules) provides:</p> <p>“When a statute or Commission decision, rule, order, or ruling sets a time limit for performance of an act, the time is computed by excluding the first day (i.e., the day of the act or event from which the designated time begins to run) and including the last day. If the last day falls on a Saturday, Sunday, holiday or other day when the Commission officers are closed, the time limit is extended to include the first day thereafter. If an act occurs after 5:00 p.m., it is deemed as having been performed on the next day.”</p>	

	<p>Therefore, pursuant to Rule 1.15, the deadline for filing and serving requests for compensation was Monday, October 20, 2014. CforAT timely served its request on the service list and the Assigned Judge at 4:23 p.m. on October 20, 2014, and submitted its request for filing on the same day. Although CforAT began e-filing its request before 5:00 p.m., according to Commission records, it did not complete the electronic filing until 5:40 p.m. Therefore, pursuant to Rule 1.15, the filing would be deemed as having been filed on the next day and, therefore, after the statutory deadline.</p> <p>We previously addressed a somewhat similar situation in Application 10-07-009, when San Diego Gas & Electric (SDG&E) submitted for filing an application for rehearing shortly after 5:00 p.m. on the last day set in statute for such filings. SDG&E subsequently filed a motion requesting that the Commission accept the application for rehearing as timely filed. D.14-12-034 denied SDG&E's motion, and in doing so states (at 6),</p> <p>“The purpose of Rule 1.15 was to establish a defined cut-off time because we determined that it is important to establish a common understanding of the deadline by which an act must be performed... Without strict compliance we would be in the position of having to consider how late or what reasons amount to good cause, something that could lead to claims of unfair treatment or bias.”</p> <p>Although Rule 1.2 permits the Commission to deviate from the Rules within the extent permitted by statute in special cases and for good cause shown, as explained in in D.14-12-034, we do not lightly consider deviations from Rule 1.15.⁵ However, there</p>
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⁵ In addition, since the State Auditor's audit of the Intervenor Compensation Program (Audit 2012-118), the Commission has sought to comply with and enforce all statutory requirements of the program, including filing deadlines.

are important differences between the present situation and that addressed by D.14-12-034.

First, D.14-12-034 addressed the filing of an application for rehearing, which implicates a party's right to appeal, while CforAT's compensation request does not. Perhaps more importantly, the Legislature intended that the Intervenor Compensation Program "be administered in a manner that encourages the effective and efficient participation of all groups that have a stake in the public utility regulation process." (§ 1801.3(f)). This statutory directive distinguishes intervenor compensation-related matters from other matters which we might not be as inclined to liberally construe the Rules. Therefore, we find that this is a special case that justifies deviating from our Rules.

There is good cause to waive the portion of Rule 1.15 that would deem CforAT's filing as having been filed on the next day and after the statutory deadline because CforAT made a good faith effort to timely submit its request, and all parties and the Assigned Judge were timely served. Thus, no party was harmed by the tardiness of the filing. CforAT submitted its request on the 60th day following the issuance of D.14-08-030 and, but for the 5:00 p.m. deadline set in Rule 1.15, CforAT's request would be timely.

CforAT was an active participant in this multi-year proceeding from 2011 until the final decision was issued on August 20, 2014, filing comments and participating in workshops. The proceeding addressed important issues of program eligibility, the production of a low income needs assessment, the status of the CHANGES program, and other matters important to the budget and administration of the CARE and ESA programs. CforAT represents customers with disabilities, who are disproportionately low income, and who rely on low income programs such as CARE and ESA to obtain energy at an affordable cost. In this role,

CforAT represented interests that were not otherwise adequately represented in this proceeding. As determined below, CforAT made substantial contributions to D.12-12-011 and D.14-08-030. Under these circumstances, it would be unjust to deny compensation to CforAT after years of participation in this proceeding solely because CforAT filed its request 40 minutes after the deadline set by Rule 1.15 (and despite the fact that the request was timely served and was submitted for filing by the 60th day permitted by statute).

Deviating from the portion of Rule 1.15 that would deem CforAT's filing as having been filed on the next day will secure a just result in this case. Therefore, pursuant to Rule 1.2, we waive the portion of Rule 1.15 that would deem CforAT's filing as having been filed on the following day, and find that CforAT timely filed its request by the statutory deadline.

However, to be clear, our deviation from Rule 1.15 is "within the extent permitted by statute" because CforAT submitted its request on the 60th day following the issuance of D.14-08-030, consistent with § 1804(c). We do not have discretion to waive or extend the statutory 60-day filing deadline in cases where an intervenor submits a request more than 60 days after the issuance of a final decision.

As noted above, we do not lightly consider deviations from Rule 1.15. Intervenors are not required to wait until the statutory deadline to file requests, and we encourage CforAT to file and serve its requests before the statutory deadline in order to avoid similar situations in the future. In light of the knowledge that CforAT has gained from this experience, CforAT will be hard pressed to demonstrate good cause for deviating from our Rules for any future untimely requests.

PART II: SUBSTANTIAL CONTRIBUTION**A. Did the Intervenor substantially contribute to the final decision (see §§ 1802(i), 1803(a), and D.98-04-059).**

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>1. Eligibility Issues:</p> <p>Subsequent to the Phase 1 Decision in this proceeding, two key issues regarding consumer eligibility for CARE emerged, requiring substantial attention from CforAT and other consumer groups to preserve enrollment opportunities and program retention for low-income consumers. These two key issues were categorical eligibility for CARE (CE), and questions regarding post-enrollment verification (PEV).</p>		<p>Verified; but we note CforAT put forth arguments that were duplicative of other parties on this issue. This demonstrates that these parties failed to adequately coordinate on this issue which resulted in duplicative efforts. <i>See</i> 2015 Cal. PUC LEXIS 264 (Cal. PUC 2015).</p>
<p>Eligibility: CE</p> <p>The Phase 1 Decision in this proceeding required the IOUs to file an advice letter addressing benefit programs whose eligibility requirements align sufficiently with CARE to use as an alternative to income-based enrollment. The IOUs filed a joint advice letter proposing to significantly reduce the number qualifying programs.</p> <p>Many people with disabilities participate in a variety of public benefit programs, making categorical eligibility a simple and effective means for such customers to demonstrate eligibility for CARE. Because of the importance of CE for our</p>	<p>CforAT's written submissions regarding CE include participation in a joint protest of PG&E Advice Letter 3340-G/4136-E (Revised CARE Program Re-Certification Application for Residential Single-Family Customers), submitted on November 29, 2012 and a further protest of a joint letter from the IOUs issued on January 31, 2013 identifying a dramatically reduced list of programs for categorical eligibility. The consumer protest of the joint advice letter was submitted on February 20, 2013.</p> <p>The consumer protests resulted in a suspension of the joint advice letter on February 28, 2013, and further proceedings by the Commission, including a discussion at the Low Income Oversight Board Meeting on February 27, 2013, a further joint letter</p>	<p>Verified; but we note CforAT put forth arguments that were duplicative of other parties on this issue. This demonstrates that these parties failed to adequately coordinate on this issue which resulted in duplicative efforts. <i>See</i> 2015 Cal. PUC LEXIS 264 (Cal. PUC 2015).</p>

<p>constituency, CforAT was deeply concerned about efforts to limit its utility. In response to the IOU's proposal to substantially reduce the number of qualifying programs, CforAT worked with other consumer groups to protest the advice letter and pursue a Commission resolution to the policy questions raised by IOU's proposal. This included multiple sets of written comments, participation in an all-party meeting and additional ex parte meetings, and other activity conducted in a coordinated manner with ORA, TURN and Greenlining. CforAT was active with other consumers in developing all aspects of the strategy and in producing materials in opposition to efforts to limit CE, as detailed in our time records.</p> <p>As this issue was developed, CforAT worked closely in coordination with other consumer groups to address the IOUs' proposals comprehensively, but efficiently.</p>	<p>from the consumer groups addressing key policy issues raised by the IOUs' efforts to restrict CE, and arguing for a resolution of issues at the Commission level rather than the staff level due to the non-ministerial nature of the proposed changes to the program.</p> <p>While this issue was pending, the Commission declined to change any CE requirements for 2013-2014 in its annual income guideline letter, issued on March 29, 2013 and then subsequently rejected the joint IOU letter on May 1, 2013. An All-Party meeting was then held on May 16, 2013, with questions provided to the parties in advance. CforAT coordinated with the other consumer groups to address the issues presented for the all-party meeting.</p> <p>On February 25, 2014, an Assigned Commissioner's Ruling requesting further input from parties on CE was issued (no changes were made to the existing list of CE programs during the delay). CforAT worked closely with the other consumer groups to provide a detailed response.</p> <p>The Phase 2 Decision briefly recounts this history, notes that the issues as developed by the parties are complex, and refers questions regarding categorical eligibility to the upcoming 2015-2017 program cycle proceeding. Phase 2 Decision at pp. 69-71. At the same time, the Phase 2 Decision clearly directs the IOUs to make no changes to the existing list of qualifying programs until the Commission takes further action, and notes (consistent with consumer requests) that housing subsidies should not be counted as income. <i>Id.</i> at p. 71. While these actions are do not bring the issues surrounding categorical eligibility to a</p>	
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	<p>conclusion, they mark a substantial contribution by consumers, including CforAT, because the consumer groups prevented the attempt by the IOUs to use the ministerial proceedings authorized by the Phase 1 Decision to make substantial changes to the program, preserved the status quo, and developed a record to ensure that the Commission is aware of the complexities surrounding the issue.</p> <p>The fact that this work, and these results, were achieved in direct response to issues raised by the IOUs (in advice letters required by the Phase 1 Decision) and the Commission (via the ACR requesting party input) means that the work was appropriately conducted within the scope of this proceeding, making compensation appropriate at this time.</p>	
<p>Eligibility: PEV & Other Eligibility Issues</p> <p>In September of 2013, as required by the Phase 1 Decision, the IOUs set forth proposals for use of post-enrollment verification models (PEV) to validate customer eligibility for CARE by targeting those customers who were determined by use of various algorithms to be less likely to be appropriately enrolled. CforAT worked with other consumer groups to evaluate the proposed models and ensure that they did not overburden customers who were appropriately enrolled in CARE.</p> <p>Additionally, throughout Phase 2 of this proceeding and as reflected in CforAT's time</p>	<p>While CforAT's oversight of eligibility issues other than CE is not directly reflected in the Phase 2 Decision, our work in conjunction with the work of other parties to effectively implement the policy decisions on eligibility adopted in Phase 1 are well documented in the time records submitted and are appropriate for compensation.</p>	<p>Verified; but we note CforAT put forth arguments that were duplicative of other parties on this issue. This demonstrates that these parties failed to adequately coordinate on this issue which resulted in duplicative efforts. <i>See</i> 2015 Cal. PUC LEXIS 264 (Cal. PUC 2015).</p>

<p>records, CforAT closely monitored activity that would potentially impact CARE eligibility due to the importance of the CARE program for our constituency. Examples of other items reflected in CforAT's time records regarding eligibility matters include close review of the IOUs' income-limit adjustments (see e.g. time entries on 12/4/13, 12/5/13, and 4/1/14), concerns about revisions to application forms and availability of forms in local offices (see e.g. time entries on 11/22/13, 11/27/13, 12/2/13, 4/8/14, 4/30/14), and other similar matters throughout this phase of the proceeding.</p>		
<p>2. LINA:</p> <p>CforAT, in conjunction with the Greenlining Institute, took the lead in efforts to ensure that the new Low-Income Needs Assessment ordered in Phase 1 of this proceeding was properly and timely conducted and issued. CforAT opposed delay in issuing the LINA, worked to ensure that the record was clear on how the delay that was permitted came to pass, and worked to ensure that the results of the LINA were understandable and useful. CforAT also took the lead in ensuring that the Commission formally adopted the LINA to avoid any disputes about its authority as evidence in other Commission proceedings.</p>	<p>See Center for Accessible Technology's Motion to Correct the Record, filed on October 9, 2013 for a summary of CforAT's concerns about the timely release of the LINA and our efforts to oppose delay and ensure that the record was clear.</p> <p>See matrix of changes provided with the final LINA showing responses to substantive input from CforAT after release of the initial study draft.</p> <p>In addition to our earlier work on the LINA, CforAT was the primary consumer organization to address the LINA in both opening and reply comments on both the PD and the AD, primarily to urge that the study be formally adopted by the Commission. CforAT Comments on PD at pp. 2-5, CforAT Reply Comments on PD at p. 4; CforAT Comments on AD at pp. 3-5; CforAT Reply Comments on AD at pp. 2-3.</p>	<p>Verified.</p>

	While not citing the input of CforAT, the Phase 2 Final Decision expressly adopts the 2013 LINA, consistent with CforAT's recommendations. Phase 2 Final Decision at p. 57; see also Phase 2 Final Decision at p. 102 (COL 41) and p. 118 (Ordering Paragraph 34).	
3. CHANGES: CforAT closely followed activity around the CHANGES program to ensure that it allows inclusion of disability-related CBOs and to support its ongoing viability.	CforAT supported continued funding for the CHANGES program through the 2012-2014 low-income program cycle, and opposed efforts by the IOUs to take direct responsibility to administer the program directly. <i>See</i> Reply Comments on the CHANGES PD filed jointly by TURN, CforAT, DRA, and the Greenlining Institute on December 17, 2012 at pp. 1-2 and CHANGES Decision at pp.36-42. See also Phase 2 Decision at pp. 81 (further extending the program into the 2015-2017 program cycle) and CforAT's Reply Comments on AD at p. 3 (in support of the extension of CHANGES).	Verified.
4. Other Implementation Issues: CforAT monitored work in Phase 2 to implement various orders from Phase 1, including various reports, workshops, and other activity. Where appropriate, CforAT participated in these efforts to support effective program implementation for our constituency. For example, while CforAT was not as active as other parties in efforts such as review of ESAP measures (including cost-effectiveness), energy education, multi-family issues, or the mid-cycle working group, we reviewed activity in each of these program areas	CforAT's contributions to the various implementation issues are noted in our time records (including participation in scheduled workshops and input on draft reports); <i>see also</i> CforAT's Opening Comments on PD at p. 5; CforAT's Reply Comments on PD at pp. 2-3; and CforAT's Opening Comments on AD at pp. 5-6 reflecting CforAT's coordination with other parties and support for effective resolution of concerns regarding various implementation issues. .	Verified.

and made contributions to maximize effectiveness for people with disabilities.		
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B. Duplication of Effort (§§ 1801.3(f) and 1802.5):

	Intervenor's Assertion	CPUC Discussion
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?⁶	Yes	Yes.
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Yes.
c. If so, provide name of other parties: <p>On virtually all issues where CforAT actively participated, we had similar positions to ORA, TURN, Greenlining Institute. While CforAT was less active on other issues, including most Phase 2 issues regarding ESAP, we frequently supported the position of other groups on matters such as multi-family issues, energy education, and other items that would impact our constituency. In addition to the groups identified above, CforAT also took similar positions to the National Consumer Law Center (NCLC) and the other housing groups focused on multi-family issues.</p>		Verified.
d. Intervenor's claim of non-duplication: <p>CforAT closely coordinated with other intervenors on Phase 2 issues.</p> <p>On the various eligibility issues, including categorical eligibility and post-enrollment verification, the consumer groups all worked together to develop and implement a strategy to address the IOU efforts to substantially reduce the reach of program-based enrollment opportunities. CforAT was involved in all aspects of the work on CE in response to the IOUs' Advice Letter submissions and the ACR on this issue; however, in order to avoid duplication, CforAT coordinated with other consumer groups in comments on the PD and AD regarding this issue, and supported the work by those parties rather than writing separately.</p> <p>On the issue of the importance of the LINA, CforAT worked most closely with the Greenlining Institute, which is the other intervenor organization most directly focused on vulnerable consumers, but also sought to coordinate with all consumer groups to the extent appropriate. Again, as an example, this is an issue where CforAT took the lead in comments on the PD and AD,</p>		Verified, but <i>See</i> CPUC Disallowances and Adjustments, below.

⁶ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

<p>while coordinating with other consumer groups that supported the same outcome.</p> <p>These issues, plus oversight of the CHANGES program, were of most direct concern to CforAT, and were the issues where CforAT took a very active role. Other implementation issues, including energy education, multi-family eligibility/participation in ESAP, the mid-cycle working group process, and others, were also significant for CforAT's constituency, and we appropriately monitored and participated in efforts concerning this issues through Phase 2. At the same time, other consumer groups were more focused on these issues than CforAT. Because of this, we were able to limit our efforts to coordinating with the most active parties, providing input as appropriate, and avoiding duplication of effort. For example, CforAT deferred to the active multi-family groups on most issues concerning that aspect of implementation, but provided input on the multi-family study to the extent that it impacts people with disabilities. Similarly, CforAT did not take the lead on energy education issues, but participated to ensure that any energy education efforts implemented would be conducted in a manner that is accessible to people with disabilities who cannot use standard forms of communication.</p>	
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C. Additional Comments on Part II:

#	Intervenor's Comment	CPUC Discussion
	<p>To the extent that the Commission declines to award compensation for work done by consumer groups including CforAT on the issue of categorical eligibility because questions raised in this proceeding have been referred to the next application cycle, CforAT requests that the Commission state clearly that parties are authorized to resubmit time spent in this proceeding with further efforts that we anticipate will be conducted in the next-cycle application process.</p> <p>Commission precedent allows compensation to be awarded when there is no final decision on the merits if work was within the</p>	<p>The Commission compensates CforAT for such work in the present Decision. No compensation may be sought in future proceedings.</p>

	<p>scope of a matter when it was conducted and the party performing the work did not cause (and could not have predicted) the conclusion of the proceeding without a substantive result. <i>See e.g.</i> D.12-08-025 (specifically authorizing consumer groups to request compensation for work in a merger proceeding after the proceeding was rendered moot upon a request by the applicants to withdraw the Application). Thus, CforAT reiterates our request for compensation to be awarded now for work on categorical eligibility. However, to the extent that the Commission defers any award of compensation, it should ensure that time already appropriately spent on this issue remains eligible for eventual compensation.</p>	
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PART III: REASONABLENESS OF REQUESTED COMPENSATION

A. General Claim of Reasonableness (§ 1801 and § 1806):

a. Intervenor's claim of cost reasonableness:	CPUC Discussion
<p>While it is difficult to assign a dollar value to the benefit provided to CforAT's constituency from this decision, there is no dispute that the CARE and ESAP programs are extremely significant for IOU customers with disabilities. In working to ensure that the Commission's policy decisions regarding these programs are implemented effectively, that eligibility options remain open, and that appropriate data on low-income households is collected and used for future policy-making decisions reflecting the needs of our constituency, CforAT obtains benefits for all low-income customers with disabilities that none could obtain acting individually. In particular, preserving categorical eligibility for low-income households, including eligibility based on programs that serve many low income people with disabilities, ensures their ability to obtain or retain CARE discounts with a value far beyond CforAT's costs of participation. Other benefits that are harder to quantify also preserve the low-income programs' accessibility and usefulness for people with</p>	<p>Verified.</p>

disabilities.	
<p>b. Reasonableness of hours claimed:</p> <p>As noted above, CforAT worked closely with other consumers on issues where our interests aligned, allowing us to allocate tasks and produce input for the record jointly in order to maintain efficiencies. CforAT also selectively focused on issues of importance to our constituency, with focused attention on key issues such as categorical eligibility and the LINA, and input at optimized times on other implementation issues.</p> <p>In order to coordinate effectively with other parties, CforAT necessarily and reasonably spent time on coordination efforts, as well as time reviewing and editing draft documents prepared by other parties. In some circumstances, CforAT was the lead in drafting, while in others our role was primarily to develop and enhance the coordinated output. These efforts are necessary to allow for effective coordination and cooperation, and promote overall efficiencies for parties, the Commission, and for ratepayers. Thus the Commission should not penalize cooperating parties by denying compensation for time reasonably spent to ensure effective coordination on positions, strategies and documents.</p>	<p>Verified, but <i>see</i> CPUC Disallowances and Adjustments, below.</p>
<p>c. Allocation of hours by issue:</p> <p>CforAT's time records are allocated into the following issues:</p> <p>Eligibility: This issue category includes time spent on the issue of Categorical Eligibility, Post-Enrollment Verification, and other matters that came up during Phase 2 of this proceeding impacting consumer eligibility for CARE.</p> <p>Low Income Needs Assessment (LINA): This issue category includes time spent addressing the Low-Income Needs Assessment.</p> <p>CHANGES: This issue category includes time spent addressing the CHANGES program.</p> <p>Implementation: This issue includes time spent addressing other substantive Phase 2 issues in which CforAT did not take a lead role, but rather monitored and offered input as appropriate to protect the interests of our constituency. This issue category includes review and input on energy education, multi-family work, the mid-cycle working group's efforts, ESAP measures (including cost-effectiveness), and other mandated activity from Phase 1. In addition, all time addressing the Phase 2 PD is included as "Implementation," though CforAT's comments and active participation reflected substantially the other separately identified issues on which we</p>	<p>Verified.</p> <p>Duplication occurred when preparing work on the issue of Eligibility. The Commission disallowed 20% of the associated hours.</p>

were active such as eligibility and the LINA. These entries are all categorized as “implementation” because it is not possible to subdivide them into the separate issues.

General Participation (GP): This issue includes time spent on general activity in the proceeding not directly related to implementation of Phase 1 obligations, such as reviewing filings and participating in activities related to the upcoming next-cycle application process.

The annual breakdown of CforAT’s time by issue is as follows:

2012 Time (9.8 hours total):

CHANGES:	4.3 hours (44%)
Eligibility:	3.6 hours (37%)
GP:	1.1 hours (11%)
Implementation:	0.1 hours (8%)

2013 Time (88.9 hours total):

CHANGES:	0.1 hours (<1%)
Eligibility:	28.3 hours (32%)
GP:	1.0 hours (1%)
Implementation:	25.8 hours (29%)
LINA:	33.7 hours (38%)

2014 Time (60.8 hours total):

CHANGES:	0.1 hours (<1%)
Eligibility:	20.0 hours (33%)
GP:	6.8 hours (11%)
Implementation:	32.8 hours (54%)
LINA:	1.1 hours (2%)

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours [1]	Rate \$	Total \$
Melissa W. Kasnitz	2012	9.8	\$430	D.13-04-008	\$4,214	9.08	\$430.00	\$3,904.40
Melissa W. Kasnitz	2013	88.9	\$440	D.13-11-007	\$39,116	80.54 [2]	\$440.00	\$35,437.60
Melissa W. Kasnitz	2014	60.8	\$450	See below	\$27,360	56.80	\$450.00	\$25,560.00
Subtotal: \$ 70,690.00						Subtotal: \$64,902.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Melissa W. Kasnitz	2014	10.5	\$225	½ standard rates	\$2,362.50	10.50	\$225.00	\$2,362.50
Subtotal: \$2,362.50						Subtotal: \$2,362.50		
COSTS								
#	Item	Detail			Amount	Amount \$		
	Postage	See attached expense report			\$32.52	\$32.52		
	Printing/copying	See attached expense report and comment below			\$109.50	\$43.80 [3]		
	Transportation	See attached expense report			\$28.40	\$00.00 [4]		
		Subtotal:			\$170.42	Subtotal: \$76.32		
TOTAL REQUEST: \$73,122.92						TOTAL AWARD: \$67,340.82		
**We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was								

claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.

****Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate**

ATTORNEY INFORMATION

Attorney	Date Admitted to CA BAR ⁷	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Melissa W. Kasnitz	December 1992	162679	No, but Kasnitz was inactive from 1/1/1993 until 1/25/1995 and from 1/1/1996 until 2/19/1997.

C. Intervenor's Comments on Part III

Comment #	Intervenor's Comment(s)
1	Justification for 2014 Rate – Melissa W. Kasnitz: As noted above, Ms Kasnitz's approved rate for 2013 is \$440 per hour. No COLA or other rate adjustment has yet been authorized for 2014. However, if a 2% COLA, consistent with what was authorized for 2013, is eventually approved, the appropriate adjustment would result in a rate of \$450 for 2014. To the extent that a different rate adjustment is eventually authorized, CforAT requests that the adopted adjustment be applied in place of this estimate. CforAT has requested a 2014 rate of \$450 for Ms. Kasnitz in multiple other pending compensation requests in other proceedings, but no decision has yet issued authorizing such rate.
2	Printing/Copying Expenses: CforAT absorbs most printing/copying costs as overhead expenses. However, as a small nonprofit, we do not have printers/copiers capable of easily producing large documents. In order to obtain necessary large documents effectively, CforAT has arranged with another nonprofit, Disability Rights Education and Defense Fund (DREDF) to use their high-capacity printer/copier for production of selected large documents, for which DREDF charges CforAT at its regular rate (approved by various courts) of \$0.25 per page. In this case, CforAT printed the draft LINA, the PD and the AD for close review.

⁷ This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

D. CPUC Disallowances and Adjustments:

Item	Reason
[1]	As discussed, above, duplication occurred with other parties concerning eligibility issues. The Commission disallows 20% of the hours claimed in this area, resulting in the following disallowances: 0.72 hours from 2012; 5.66 hours from 2013; and 4 hours from 2014.
[2]	The Commission does not compensate attorneys for work that is clerical in nature, as such work has been factored into the approved hourly rates. Finalizing documents is a clerical task. The Commission disallows 0.5 hours for finalizing an ex parte notice on March 15, 2013, 0.9 hours for finalizing a motion on October 8, 2013; 1 hour for finalizing a motion on October 9, 2013; and 0.3 hours for finalizing comments on October 23, 2013,
[3]	The Commission has found that bulk printing costs 10 cents per page. The Commission will not compensate CforAT at 25 cents per page and the excess charges are disallowed.
[4]	The Commission does not compensate for routine travel expenses. Routine travel is defined as travel less than 90 miles, each way. Kasnitz's travel on BART is routine and is not compensable.

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?	No.
B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?	No.

If not:

Party	Comment	CPUC Discussion
Center for Accessible Technology	CforAT Supports the alternate proposed decision (APD) and appreciates the APD's determination that there is good cause shown to waive Rule 1.15.	No changes to the APD were made in response to CforAT's comments.

FINDINGS OF FACT

1. Pub. Util. Code § 1804(c) requires intervenors to file requests for awards within 60 days following issuance of a decision.
2. Although CforAT began e-filing its request before 5:00 p.m. of the statutory deadline, according to Commission records, CforAT did not complete the electronic filing until 5:40

p.m. Pursuant to Rule 1.15, the filing would be deemed as having been filed on the next day and, therefore, after the statutory deadline.

3. Rule 1.2 permits the Commission to deviate from the Rules within the extent permitted by statute in special cases and for good cause shown
4. There is good cause to waive the portion of Rule 1.15 that would deem CforAT's filing as having been filed on the next day and after the statutory deadline because CforAT made a good faith effort to timely submit its request, and all parties and the Assigned Judge were timely served.
5. Deviating from the portion of Rule 1.15 that would deem CforAT's filing as having been filed on the next day will secure a just result in this case.
6. Center for Accessible Technology has made a substantial contribution to D.12-12-011 and D.14-08-030.
7. The requested hourly rates for Center for Accessible Technology's representative are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
8. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
9. The total of reasonable compensation is \$67,340.82.

CONCLUSION OF LAW

1. Pursuant to Rule 1.2, the portion of Rule 1.15 that would deem CforAT's filing as having been filed on the following day should be waived, and CforAT should be found to have timely filed its request by the statutory deadline.
2. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. Center for Accessible Technology is awarded \$67,340.82.
2. Within 30 days of the effective date of this decision Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric, and Southern California Gas Company shall pay Center for Accessible Technology (CforAT) their respective shares of the award, based on their California-jurisdictional electric and gas revenues for the 2013 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning December 31, 2014, the 75th day after the filing of CforAT's request, and continuing until full payment is made.

3. The comment period for today's decision is not waived.

This decision is effective today.

Dated _____, at Sacramento, California.

APPENDIX
Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1212011, D1408030		
Proceeding(s):	A1105017 et al.		
Author:	Commissioner Florio		
Payer(s):	Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric, and Southern California Gas Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Center for Accessible Technology	10/21/2014	\$73,122.92	\$67,340.82	N/A	<i>Duplication, clerical tasks, unapproved charges</i>

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Melissa	Kasnitz	Attorney	CforAT	\$430.00	2012	\$430.00
Melissa	Kasnitz	Attorney	CforAT	\$440.00	2013	\$440.00
Melissa	Kasnitz	Attorney	CforAT	\$450.00	2014	\$450.00

(END OF APPENDIX)